

# The UNITED STATES of AMERICA.

## POLITICAL SYSTEM.

### **The American Constitution.**

The Constitution was drafted by a convention in 1787, ratified by the required two thirds of the states in 1788 and put into effect in 1789.

It is based on the doctrine of the separation of powers (between the executive, the legislative and the judiciary).

Article Five allowed for amendments to be made to the Constitution (once passed by a two-thirds majority in both houses of Congress and ratified by the legislatures of three fourths of the states). The Constitution may also be amended by a special national convention called for the purpose. The Constitution finally ratified by the original thirteen states in 1791 already contained ten amendments, known as the "Bill of Rights" (the freedoms of religion, speech, the press; the right to assemble, to petition the government, etc) to protect citizens against possible tyranny by the federal government.

Twenty-seven additional amendments were passed adopted between 1795 and 1992, abolishing slavery, providing for an income tax, providing for universal suffrage for all people 18 or older, among other purposes.

The United States is a representative democracy. Government power rests with the people, who directs policies by voting the government representatives. The American constitution defines the power of national and states governments, the function and framework of each branch of government and the rights of individual citizens.

### **Limited government.**

The principle of limited government is basic to the constitution. Several features were created to prevent power from being concentrated in the hands of a few.

The federal organization of government.

The separation of powers among different branches of government.

A system of checks and balances to restrict the power of each branch.

### **Federalism.**

Under federalism the federal (national) government has power over areas of wide concern, for example, the federal government determines foreign policy, with exclusive power to make treaties, declare war, and control imports and exports. The federal government has the sole authority to print money.

The Constitution does provide some very specific powers to both the states and the federal government. They are:

**Delegated Powers.** Delegated powers are those powers specifically assigned to the Federal Government. The national government has very specific enumerated powers including the regulation of interstate and international trade, coinage and currency, war, maintenance of armed forces, postal system, enforcement copyrights and power to enter into treaties.

**Reserved Powers.** In this case, all powers not specifically delegated to the Federal Government are to be reserved or saved for the State Governments. These powers include power to establish schools, establishment of local governments, and police powers.

**Concurrent Powers.** Concurrent means “at the same time.” Concurrent powers are those that both the federal and state governments share simultaneously, for example the power to tax, maintain courts and the ability to construct and maintain roads.

### **Separation of powers.**

Power is also limited by the separation of powers.

**Separation of powers**, division of the legislative, executive, and judicial functions of government among separate bodies. Such a separation, it has been argued, limits the possibility of arbitrary excesses by government, since the sanction of all three branches is required for the making, executing, and administering of laws.

### **Legislative branch.**

Its function is to make laws. It is made up of representatives elected to Congress.

Congress is comprised of two houses. The House of representatives (the House) and the Senate. The House and the senate are organized by the majority party in each chamber, which chooses a presiding officer, the majority leader and the chairperson of each committee.

Citizens from all the states are elected to serve in the House. The number of representatives each state sends depends on the number of districts in each state. Each state district chooses one representative. The number of districts is determined by population. Each representative is elected to a two-year term.

### **Functions of the House.**

1. Revenue measures must originate in the House.

Article First, Section 7, of the Constitution of the United States provides as follows.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2. The House can initiate proceedings to impeach the president (with a majority vote).

3. If the Electoral College cannot produce a majority to elect a president, the House chooses one from the top three contenders.

4. If both the president and the vice-president die, are incapacitated or are removed from office, the Speaker of the House becomes president.

The Senate is the smaller of the two houses. Each state, regardless of population, has two senators. The senatorial term is six years. However, every two years one thirds of the Senate stands for election.

### **Functions of the Senate.**

1. It advises and consents to presidential treaties and to nominations for major executive officials, ambassadors, justices of the Supreme Court and federal judges.

2. It tries all impeachments, with a two-third vote necessary to convict.

3. In the event of a deadlock in the Electoral College, the Senate chooses the vice-president from the top two contenders.

4. The president pro tem of the Senate comes after the Speaker of the House in the line of succession to the presidency.

### **How a bill becomes a law.**

Each house is engaged in making laws and each may initiate legislation (except Revenue measures). Once a bill is introduced (in either house) it is sent to the appropriate committee.

Committee members study the bill and send it to the house where it was first introduced. After a debate, the bill is voted on. If it passes, it is sent to the other house where it goes through a similar process.

The Senate, for example, may reject a bill sent by the House or add amendments to it. If that happens, a "conference committee" made up of members from both houses tries to work out a compromise. If both sides agree on the new version, the bill is sent to the president for review.

A bill becomes law if signed by the President or if not signed within 10 days and Congress is in session.

If Congress adjourns before the 10 days and the President has not signed the bill then it does not become law, "Pocket Veto".

If the President vetoes the bill, it is sent back to Congress with a note listing his reasons. The chamber that originated the legislation can attempt to override the veto by a vote of two-thirds of those present. If the veto of the bill is overridden in both chambers, then it becomes law.

### **Executive branch.**

It is responsible for administering the laws passed by Congress. The president (any natural-born citizen over 34) is its head. He is elected to a four-year term and can be re-elected to a second term.

The vice-president (who is elected with the president) has two constitutional duties.

To preside over the senate; however, he only votes in the event of a tie. Now, the vice president is usually seen as an integral part of a president's administration and presides over the Senate only on ceremonial occasions or when a tie-breaking vote may be needed.

And to assume the presidency if the president dies, becomes disabled, or is removed from office.

The seat of government is the **District of Columbia**.

**Washington DC**, in full, District of Columbia, city and capital of the United States of America. It is coextensive with the District of Columbia (the city is often referred to as simply D.C.).

**The Cabinet** is an advisory body made up of the heads of the 15 executive departments. Appointed by the President and confirmed by the Senate, the members of the Cabinet are often the President's closest confidants. In addition to running major federal agencies, they play an important role in the Presidential line of succession, after the Vice President, Speaker of the House, and Senate President pro tempore, the line of succession continues with the Cabinet offices in the order in which the departments were created. All the members of the Cabinet take the title Secretary, excepting the head of the Justice Department, who is styled Attorney General.

2. As head of state, the president represents the country abroad, entertains foreign leaders and addresses the public.

3. As director of foreign policy, the president appoints foreign ambassadors and makes treaties with other nations (with the consent of the Senate).

4. The president is the Commander-in-Chief of the armed forces.

5. The president is the head of his political party.

### **Judicial branch.**

The judicial branch interprets the meaning of laws, applies laws to individual cases, and decides if laws violate the Constitution.

The judicial branch is comprised of the Supreme Court and other federal courts.

## **The Supreme Court of Justice.**

The Supreme Court is the highest court in the United States. The Justices of the Supreme Court are nominated by the

President and must be approved by the Senate.

The court is comprised of nine members, a Chief Justice and eight Associate Justices. A minimum or quorum of six justices is required to decide a case.

If there is an even number of Justices and a case results in a tie, the lower court's decision stands.

There is no fixed term for Justices. They serve until their death, retirement, or removal in exceptional circumstances.

## **Checks and Balances.**

Separation of Powers and Checks and Balances are closely related BUT they are not the same.

1. Separation of Powers is the division of political power into the separate branches of government, legislative,

executive and judicial, so that each is independent of each of the other branches.

2. **Checks and Balances** is the giving of each of those branches some power to act as a check on the actions of each of the others, constraining the independence of each to some degree.

The Framers of the Constitution separated the powers of government into the different branches to prevent any person or small group of people from holding all power in their own hands. But they worried that one branch might manage to invade the area of another branch and effectively take over its power, so they also created the checks that allow the branches to push back against other branches' efforts to consolidate power.

## **Election System.**

The president is elected the first Tuesday after the first Monday in November of a leap year and takes office at noon on January 20<sup>th</sup>.

He is not elected directly but by an Electoral College. The candidate who wins the most votes within a state receives all its Electoral College votes, no matter how small the majority.

Presidential candidates are selected by their respective party's national conventions. They are chosen either at state conventions of party members, the **caucus system**, or state primary elections (either open or closed) held in the preceding months. In closed primary elections, only registered members can vote; in open primary elections any voter can participate.

The main difference between a caucus and a primary is that in a primary the ballots are private but in a caucus people are gathered in a local setting and openly decide on a candidate. What people really vote, in either case, is only indirectly the candidate. What the vote really goes toward are the state delegates to the national party convention. Each state has a specific number of delegates for each party, based on state population, that attend their party's convention. So, whoever one of the nominees wins primaries/caucuses in the most states will have the most delegates to vote for them at the convention and therefore will win the nomination.

On the same day as the electors vote for the president, they also vote for senators, members of the House and state governors.

### **US presidential election: The Electoral College explained.**

On each presidential election day, the American people cast their votes for the next leaders of their country. But in reality, the popular vote held every four years is not directly selecting the president and vice president. Voters are actually choosing electors from their state that will go the Electoral College to ultimately determine who wins the election.

The Electoral College was established under Article Two of the United States Constitution, which says each state shall appoint a certain number of electors to vote after the general election. Today the number of electors a state receives is equal to the number of Congressmen from that state.

Since the most populous states have the most seats in Congress, such as California, Texas, and New York, they also have the most electors in the College. Smaller states usually have no more than 3 to 5 electors.

When the Electoral College meets 41 days after the general election, each candidate needs a majority vote of 270 to win.

This is when the real outcome of each election is determined. Of course, the popular vote is determined the night of the election, and the number of electoral votes for each blue and red state is predicted from that vote.

But recent elections, notably the 2000 election, have shown that the popular vote and Electoral College vote don't always match up. And there is always the chance (though slim) of a "faithless Elector" who votes for someone other than the candidate they pledged to elect.